

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

UNITED STATES OF AMERICA,)
)
)
 v.) Civil Action Number
) 5:17-cr-00546-ACK-GMB
)
 RICHARD GRADY ROMANS,)
)
)
 Defendant.)
)

ORDER

The court has for consideration Richard Romans' motion for compassionate release, doc. 38, based on the COVID-19 pandemic. Romans cites the pandemic, his infection with the Covid virus earlier and his general fear of another infection. But "the mere existence of COVID-19 in society and the possibility that it may spread to a particular prison alone cannot independently justify compassionate release, especially considering BOP's extensive and professional efforts to curtail the virus's spread." *United States v. Raia*, 954 F.3d 594, 597 (3d Cir. 2020). Indeed, among other things the BOP makes vaccines available, and there is nothing in the motion to suggest that the BOP has denied Romans a vaccine. Moreover, Romans has not shown an "extraordinary and compelling reason," 18 U.S.C. § 3582(c), to grant him relief. For example, Romans has failed to point to any underlying medical condition that puts him at a greater risk than the average

individual or evidence that he is “suffering from a terminal illness” or a condition “that substantially diminishes [his] ability . . . to provide self-care within the environment of a correctional facility and from which he . . . is not expected to recover.” U.S.S.G. §1B1.13, Application Note 1. Finally, Romans has failed to show that he “is not a danger to the safety of any other person or to the community.” U.S.S.G. §1B1.13. *See also* 18 U.S.C. § 3142 (c) and (g).

For all these reasons, the motion, doc. 38, is **DENIED**.

DONE the 12th day of July, 2022.



ABDUL K. KALLON

UNITED STATES DISTRICT JUDGE